

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
May 1, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:03 p.m., Tuesday, May 1, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and H. R. Ashe.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor J. A. Truckenmiller, Tabb Church of God, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

**APPOINTMENT OF COUNTY ADMINISTRATOR**

Mrs. Noll moved the adoption of proposed Resolution R01-97 that reads:

A RESOLUTION TO APPOINT A COUNTY ADMINISTRATOR PURSUANT TO SECTION 15.2-1540 OF THE CODE OF VIRGINIA AND TO CONFER UPON THE APPOINTEE THE POWERS AND DUTIES PROVIDED BY LAW

WHEREAS, the position of County Administrator was vacated on January 15, 2001, by the resignation of Daniel M. Stuck; and

WHEREAS, James O. McReynolds has served as Interim County Administrator since January 15, 2001, assuring continued performance of the duties provided by law, including especially those set forth in Section 15.2-1541 of the Code of Virginia as amended, effectively maintaining order and continuity of administration during the interim period;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1<sup>st</sup> day of May, 2001, that James O. McReynolds be, and is hereby, appointed to the position of County Administrator for York County pursuant to Section 15.2-1540 of the Code of Virginia with such appointment to be effective on May 1, 2001.

BE IT FURTHER RESOLVED that upon assuming the duties as County Administrator, Mr. McReynolds shall take the oath of office as set forth in Section 49-1 of the Code of Virginia and shall give bond before the Clerk of the Circuit Court of York County with surety approved by such Clerk in the amount of \$2,000. The premium for said bond shall be paid by the Board of Supervisors out of the General Fund.

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BE IT STILL FURTHER RESOLVED that upon appointment as County Administrator of York County, Mr. McReynolds be, and is hereby, authorized to perform any and all of those duties of the County Administrator as described in Section 15.2-1541 and other sections of the Code of Virginia, as amended, and as prescribed in the policies and ordinances of York County, and otherwise as may be directed by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett  
Nay: (0)

## **PRESENTATIONS**

### **OUTSTANDING YOUTH AWARDS**

Mr. Landon Haywood, Vice Chairman, York County Youth Commission, read excerpts from Resolutions R01-70, R01-71, R01-72, and R01-73 commending the four Outstanding Youth of the Year for 2001 which were adopted on April 17, 2001.

Chairman Burgett then presented to each of the following award recipients a bound and sealed copy of their respective resolutions and an engraved Jefferson Cup recognizing their achievements:

Brandon Robbins	Outstanding Youth for Community Service
Kimberly Hays	Outstanding Youth for Compassion
Jonathan Duey	Outstanding Youth for Overall Achievement
Donald Lyons	Outstanding Youth for Courage

### **YORKTOWN FOUNDATION**

Ms. Suzi Hightower, President, reviewed some of the activities the Foundation has been working on during the past year in the areas of education, preservation, and promotion. She indicated the Foundation currently has eight board members, and four new nominees are being considered. She thanked the Board of Supervisors for its support and help in allowing the Foundation to use part of York Hall as its office space, and she noted she had provided the Board members with a copy of the Foundation financial statement for review.

## **CITIZENS COMMENT PERIOD**

Mr. Charles Rossi, President, Tabb Lakes Homes Association, provided some background information on the Tabb Lakes development, indicating the Association has spent \$8,000 on lake maintenance annually. One of the lakes has a big problem because it is so shallow. He indicated the lake was not built correctly, and this has been discussed with the County for several years now. Last year the Association invested \$11,000 and contracted with professional civil engineers who conducted a complete survey and inspection of the lakes. Their report found that the emergency spillway was built 8 ½ inches too high which aggravated

street flooding, and the County corrected this problem this year. The engineers also found that Lake II is only 2-4 feet deep and should be 6 feet deep and was also not built correctly. Mr. Rossi stated the Association understands it has full responsibility for the lakes, but he asked if York County could help rectify this problem since it was not originally built correctly.

Mr. Darrell Harris, Treasurer of the Tabb Lakes Homes Association, stated the Association has paid almost \$40,000 in bills for the two stormwater retention ponds in the development. Tabb Lakes is unique in that commercial businesses along Route 17 are contributing to the stormwater runoff to the ponds but are not contributing anything toward the maintenance costs. He spoke of the dangerous elements which are feeding into the ponds from the business runoff, and he asked if the County could remit a part of its stormwater budget to take care of the Tabb Lakes problem.

### **COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett indicated his office would be saying goodbye to this past year's law clerk who will be graduating from William and Mary Law School. He stated they would also be welcoming the new law clerk, Adam Kinsman, who is attending the University of Richmond Law School, and who also was a former Planner for York County. Mr. Barnett then noted he had received notification from the Attorney General's Office regarding redistricting and whether or not there was a need to redistrict before the November elections. He stated the ruling was more flexible than he thought in that it indicates the County has the option of going either way. Timing indicates that the County cannot practically adopt a new plan prior to November, and he recommended that the Board stick to the regular schedule and plan to adopt an ordinance after the November special elections.

### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds updated the Board on the following:

- Tax Bills: Real property tax bills were mailed this past Monday, but personal property tax bills have been held. He stated the region would like to act together on May 11th regarding the percentage. Under either circumstance, the tax bills should be mailed on May 11. Mr. McReynolds indicated that both Mrs. Robinson, Treasurer, and Mrs. Thomas, Commissioner of the Revenue, were present if the Board had any questions.
- Work Sessions: The Board was provided with a memorandum suggesting a number of dates for work sessions on topics the Board has indicated it would like to discuss. The Board was asked to review the memorandum and let him or Mrs. Simmons know if the dates were acceptable.
- Joint Meeting with the Industrial Development Authority: The Board was reminded of its joint meeting with the IDA that would be held at 6:00 p.m. on May 8 at the Yorktown Library Meeting Room.
- Communications System Upgrade: The item shown on the original agenda as Unfinished Business has been moved to the Board's May 15 Regular Meeting agenda.

### **MATTERS PRESENTED BY THE BOARD**

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Mrs. Noll stated the Board had conducted a very productive meeting with the Planning Commission last week. She noted she had attended the Planning Commissioners' Seminar in Richmond where the land use bills under consideration by the General Assembly during this year's session were discussed, and she stated York County doesn't have the problems that some localities have.

Mr. Zaremba informed the Board and public that he would be conducting a town meeting on May 14 in the Board Room of York Hall at 7:00 p.m. The topic will involve a proper public use of the recently acquired property on Water Street. He stated he would like to know from the citizens if they feel a parking lot or other use is appropriate. In the near future the Board of Supervisors will have to make a decision on the property's use. Mr. Zaremba stated that during the meeting there will be a brief overview of the Yorktown Master Plan as well as a public comment session.

Mr. Wiggins spoke concerning the Colonial Community Criminal Justice Board which is mandated by the state, and York County has membership on this regional board along with James City County, Charles City County, New Kent County, Williamsburg, and Poquoson. He indicated that the Board has identified problems, with one of the most serious being the cost of law enforcement. York County has a very low crime rate with a good law enforcement agency, but the County's problem is not with York County citizens but with individuals coming in from other localities committing crimes in York County. Because the crime is committed in the County, the County must pay for their going through the criminal justice system. Mr. Wiggins stated the County businesses need to step up their support of the law enforcement system. He also spoke of the Criminal Justice Planner position and the need to continue funding for the position because an important part of the position's function is to research and apply for grants.

Chairman Burgett stated he had the pleasure of attending the Hampton Roads Mayors and Chairs Caucus aboard the USS Wisconsin. He indicated the tour was well worth the drive, and it was an exciting experience. He also indicated he attending the DARE Festival on Saturday and had a wonderful time. He stated there are a lot of great activities going on in the County that are family oriented. Mr. Burgett then spoke concerning individuals who wish to undertake some sort of project within the County and are not getting the information on the County's regulations on whatever it is they wish to do. He stated it is unfortunate that some of these people do not check out the zoning regulations first because it costs time and money and puts them and the staff in a tough spot sometimes, and he encouraged citizens to check with the County staff before undertaking a project in the County. Mr. Burgett then stated that on his way to the meeting this evening he noticed there was fresh graffiti on the old Exxon station at Route 17 and Lakeside Drive. He noted this is an intolerable situation, and the County staff needs to beef up its enforcement of the County's ordinances. Lastly, Mr. Burgett noted that the Master Gardeners were having a plant sale this Saturday from 9:00 a.m. to Noon at the Learning Garden on Goodwin Neck Road.

Meeting Recessed. At 7:58 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:03 p.m. the meeting was reconvened in open session by order of the Chair.

## **PUBLIC HEARINGS**

APPLICATION NO. YVA-6-01, HOWARD AND MARION CLAYTON

Mr. J. Mark Carter, Planning and Zoning Manager/Zoning Administrator, after a brief video, made a presentation on Application No. YVA-6-01 to authorize the construction of a 2,332 square foot single-family detached home located at 115 Smith Street within the Yorktown Village Activity zoning district. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R01-85.

Mrs. Marion Clayton, the applicant, indicated she and her husband had been very active partners in the community, and they love Yorktown's history and its people. She stated they were very fortunate to own a lot next to their home, and they intend to build a maintenance-free home that is handicap accessible. She indicated she was present to answer any questions the Board might have concerning the application, and she displayed for the Board members a sample of the vinyl siding that is proposed for use on the house.

Chairman Burgett then called to order a public hearing on Application No. YVA-6-01 which was duly advertised as required by law. Proposed Resolution R01-85 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION TO CONSTRUCT A SINGLE-FAMILY DETACHED HOME AT 115 SMITH STREET IN THE VILLAGE OF YORKTOWN

Mr. George E. Bennett, Jr., 107 Wind Forest Lane, stated he had purchased the Clayton's home, and he endorsed the Planning Commission recommendation to approve the subject application.

There being no one else present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Ashe stated he had visited the site, and the Clayton's had been waiting patiently to get this application approved. He spoke about the placement of the house on the lot, and moved the adoption of amended proposed Resolution R01-85(R), which reads as follows, to include emphasis in the resolution that the Claytons work with the County staff to insure there is a pleasing streetscape visual and is compatible with the neighboring properties, and authorize a side yard setback of 8 feet adjacent to the southeastern corner of the structure if that is deemed necessary by staff and the applicant to insure an appropriate front yard setback:

A RESOLUTION TO APPROVE AN APPLICATION TO CONSTRUCT A SINGLE-FAMILY DETACHED HOME AT 115 SMITH STREET IN THE VILLAGE OF YORKTOWN

WHEREAS, Howard and Marion Clayton have submitted Application No. YVA-6-01, which is a request to construct a 2,332-square foot single-family detached home, pursuant to Section 24.1-327(b) of the York County Zoning Ordinance, on a 0.19-acre parcel located at 115 Smith Street within the Yorktown Village Activity (YVA) zoning district and further identified as Assessor's Parcel No. 18A-(1)-66A; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

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WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1<sup>st</sup> day of May, 2001, that Application YVA-6-01 be, and it is hereby, approved to authorize construction of a single-family detached home on a 0.19-acre parcel located at subject to the following conditions:

1. Building plans shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of construction activities on the subject parcel. Said plans shall be in substantial conformance with the building plans prepared by Boathouse Creek Graphics, Inc. and dated February 19, 2001, a copy of which shall be kept on file in the York County Planning Division.
2. As proposed by the applicant, exterior surfaces shall be white or have a neutral color that is compatible with the paint colors likely to have been used in historic Yorktown.
3. Vinyl siding shall be limited to Revere Berkshire™ Beaded Premium Vinyl Siding or an equivalent type and manufacturer of siding with an exposure of approximately 6.0 to 6.5 inches and a nominal thickness of approximately 0.05 inches.

BE IT FURTHER RESOLVED that the applicants be requested to work with the County staff to insure that the positioning of the dwelling provides a good and pleasing streetscape and that its setback is compatible with the adjacent properties. The Board hereby authorizes a side yard setback of 8 feet adjacent to the southeastern corner of the structure if that is deemed necessary by staff and the applicant to insure an appropriate front yard setback.

Mrs. Noll expressed her agreement with Mr. Ashe.

Mr. Zaremba also expressed his agreement, but asked for clarification.

Mr. Carter stated there is a requirement for a 25-foot setback for 10 feet on each side, and for 20 feet at the rear. The footprint could be shifted back by 3 feet and still not encroach in the 10 foot required area.

Mr. Zaremba asked what the purpose was of moving it back 2 feet.

Mr. Ashe stated it would allow movement of up to 5 feet if needed. It is also to make sure the house is placed to make the streetscape aesthetically pleasing.

On roll call on Mr. Ashe's motion to adoption proposed Resolution R01-85(R), the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett  
Nay: (0)

SURRENDER ROAD EASEMENT

Mr. Barnett made a presentation on proposed Resolution R01-91 to authorize the execution of an easement donation deed to convey to the Department of the Interior an easement over a portion of Surrender Road.

Chairman Burgett then called to order a public hearing on proposed Resolution R01-91 that is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO  
EXECUTE AN EASEMENT DONATION DEED TO CONVEY TO THE  
UNITED STATES OF AMERICA, DEPARTMENT OF THE INTERIOR,  
AN EASEMENT OVER A PORTION OF SURRENDER ROAD

There being no one present who wished to speak concerning the proposed Resolution, Chairman Burgett closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R01-91 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO  
EXECUTE AN EASEMENT DONATION DEED TO CONVEY TO THE  
UNITED STATES OF AMERICA, DEPARTMENT OF THE INTERIOR,  
AN EASEMENT OVER A PORTION OF SURRENDER ROAD

WHEREAS, by the adoption of Resolution R94-9 on January 20, 1994, the Board vacated the right of way known as Surrender Road (State Route 634); and

WHEREAS, by virtue of such abandonment, a portion of such right of way abuts property having the address of 619 Cook Road, Yorktown; and

WHEREAS, the Board acquired the said parcel by deed dated December 4, 1997, recorded in Deed Book 983, page 271, together with the southern one-half of the former right of way of Surrender Road as it previously abutted the property; and

WHEREAS, the Board desires to convey to the United States of America, Department of the Interior, an easement over such portion of the former right of way of Surrender Road; and

WHEREAS, this matter has been duly advertised for a public hearing pursuant to Code of Virginia § 15.2-1800, and following such public hearing, the Board has determined that the conveyance of the requested easement is in the public's best interest;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1<sup>st</sup> day of May, 2001, that the County Administrator be, and is hereby authorized, for and on behalf of the Board, to execute an easement donation deed conveying to the United States of America, on behalf of the National Park Service, an easement across a portion of Surrender Road, as such easement is described in the easement donation deed attached to the County Attorney's memorandum to the Board dated April 17, 2001, such deed to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett

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Nay: (0)

**CONSENT CALENDAR**

Mr. Zaremba asked that Item No. 5 be removed from the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 3, 4, 6, and 7, respectively.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett

Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 3. YORKTOWN VILLAGE ACTIVITY DISTRICT ACCESSORY STRUCTURE APPROVAL—  
YORKTOWN MASONIC LODGE: Resolution R01-99

A RESOLUTION TO APPROVE THE REQUEST OF THE YORKTOWN  
MASONIC LODGE FOR THE PLACEMENT OF AN ACCESSORY  
STORAGE SHED ON PROPERTY LOCATED AT 221 BALLARD  
STREET IN YORKTOWN

WHEREAS, Mr. Jack Adams has submitted an application on behalf of the Yorktown Masonic Lodge requesting permission to install an accessory storage shed on property located at 221 Ballard Street in Yorktown; and

WHEREAS, pursuant to Section 24.1-327(b)(3) of the York County Zoning Ordinance, such requests may be approved by the Board of Supervisors by resolution; and

WHEREAS, the Board has determined that the location and design of the proposed shed will be compatible with adjacent properties and structures;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1<sup>st</sup> day of May, 2001, that the request of the Yorktown Masonic Lodge for the installation of an accessory storage shed on property located at 221 Ballard Street, to be located and constructed as described in the County Administrator's report to the Board dated April 27, 2001, be, and it is hereby, approved.

Item No. 4. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

March 20, 2001, Regular Meeting

March 22, 2001, Adjourned Meeting

March 27, 2001, Adjourned Meeting



Item No. 6. REIMBURSEMENT FROM BOND PROCEEDS—SCHOOL CAPITAL PROJECTS: Resolution R01-82

A RESOLUTION OF THE BOARD OF SUPERVISORS OF YORK COUNTY DECLARING ITS INTENT TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS FOR SCHOOL PROJECTS

WHEREAS, the County of York, Virginia (the "County") is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the Board of Supervisors of the County (the "Board") expects to pay or expects that the York County School Board will pay, after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, construction, and/or equipping of capital improvements for school projects (the "Project"); and

WHEREAS, the Board has determined that any moneys previously advanced no more than sixty (60) days prior to the date hereof, and those moneys to be advanced on and after the date hereof to pay the Expenditures, are available only for a temporary period and it is necessary to reimburse the County or the York County School Board for the Expenditures from the proceeds of one or more issues of tax-exempt bonds ("Bonds");

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1<sup>st</sup> day of May, 2001, as follows:

Section 1. The Board hereby declares its intent to reimburse itself or the York County School Board with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after that date which is no more than sixty (60) days prior to the date hereof. The Board reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. The maximum principal amount of the Bonds expected to be issued for the Project is \$8,000,000.

Section 3. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Bonds to reimburse an Expenditure, no later than eighteen (18) months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditure itself is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five (5) years.

Section 4. This resolution shall take effect immediately upon its passage.

Item No. 7. REIMBURSEMENT FROM BOND PROCEEDS—YORKTOWN CAPITAL IMPROVEMENT PROJECTS: Resolution R01-83

A RESOLUTION OF THE BOARD OF SUPERVISORS OF YORK COUNTY DECLARING ITS INTENT TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN YORKTOWN CAPITAL IMPROVEMENT PROJECTS

WHEREAS, the County of York, Virginia (the "County") is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the Board of Supervisors of the County (the "Board") expects to pay after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, construction, and/or equipping of Yorktown capital improvement projects (the "Project"); and

WHEREAS, the Board has determined that any moneys previously advanced no more than sixty (60) days prior to the date hereof, and those moneys to be advanced on and after the date hereof to pay the Expenditures, are available only for a temporary period and it is necessary to reimburse the County for the Expenditures from the proceeds of one or more issues of tax-exempt bonds ("Bonds");

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1<sup>st</sup> day of May, 2001, as follows:

Section 1. The Board hereby declares its intent to reimburse itself with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after that date which is no more than sixty (60) days prior to the date hereof. The Board reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. The maximum principal amount of the Bonds expected to be issued for the Project is \$8,000,000.

Section 3. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Bonds to reimburse an Expenditure, no later than eighteen (18) months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditure itself is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five (5) years.

Section 4. This resolution shall take effect immediately upon its passage.

Item No. 5. PURCHASE AUTHORIZATION: Proposed Resolution R01-81 (Removed from Consent Calendar)

Mr. Zaremba asked Mr. Hudgins to explain why the sewage pumps were sole source items.

Mr. John Hudgins, Director of Environmental and Development Services, explained that they were a subset with a major assembly already in place with the existing pumps. A pump could be found, but they are not all made for the same size parts; and it would require some reconstruction to fit a new pump which would be much more expensive.

Mr. Zaremba then moved the adoption of proposed Resolution R01-81 that reads:

A RESOLUTION TO AUTHORIZE CONSTRUCTION OF THE SEAFORD  
VACUUM SEWER EXTENSION PROJECT AND PURCHASE OF SEW-  
AGE PUMPS

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1<sup>st</sup> day of May, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Construction of Seaford Vacuum Sewer Extension Project	\$151,517
Submersible Sewage Pumps	36,998

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett  
Nay: (0)

## **NEW BUSINESS**

### **AGREEMENT WITH THE NATIONAL PARK SERVICE FOR REVENUE SHARING PROJECT**

Mr. McReynolds made a presentation explaining proposed Resolution R01-88 to authorize the execution of an agreement with the National Park Service regarding improvements to the Yorktown Creek area.

Mr. Zaremba asked Mr. Barnett if he had been involved in this agreement.

Mr. Barnett indicated he saw the agreement and signed off on it before the item was placed on the Board's agenda for this meeting.

Mrs. Noll then moved the adoption of proposed Resolution R01-88 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE AN AGREEMENT WITH THE NATIONAL PARK SERV-

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ICE REGARDING IMPROVEMENTS TO THE YORKTOWN CREEK  
AREA

WHEREAS, the County has applied for funding under the Virginia Department of Transportation Revenue Sharing Program in FY2001-2002 for improvements near the Yorktown Creek; and

WHEREAS, some of the improvements planned for the project will be installed on property currently owned by the National Park Service; and

WHEREAS, it has been determined that, in order to proceed with the project in a timely manner, a short-term agreement may be entered in to with the National Park Service allowing the County to construct the improvements during FY2001-2002; and

WHEREAS, the proposed agreement would terminate after the County acquires the subject property from the National Park Service;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1<sup>st</sup> day of May, 2001, that the County Administrator be, and he is hereby, authorized to execute a short-term license agreement with the National Park Service substantially the same as the draft agreement as attached to the April 18, 2001, memorandum to the Board of Supervisors from the County Administrator for improvements to National Park Service Property near Yorktown Creek in Yorktown, such agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett  
Nay: (0)

FUNDING TO SUPPORT A PROPOSED MINOR LEAGUE BASEBALL STADIUM

Mr. McReynolds made a presentation on proposed Resolution R01-93 to appropriate funds for the purpose of supporting a minor league baseball stadium. He explained that the City Manager of Newport News had sent a request to the Board of Supervisors and the Boards and City Councils of the neighboring jurisdictions requesting per capita financial participation to fund the shortage of annual funding in the amount of \$175,000. He indicated this would require an annual contribution from York County in the amount of \$36,000.

Mr. Wiggins noted this could mean an \$880,000 responsibility for York County, and it will not produce any direct economic merit for the County. He reminded the Board members that several years ago Supervisor Jere Mills tried to garner support of the York County citizens for a baseball stadium, and the citizens at that time were against it. He stated that as bad as the County needs money for drainage and other things, he could not see obligating the taxpayers for this type of project.

Mrs. Noll stated the proposed financial contribution worked out to be \$.64 per capita, and that amount would decrease because the population would go down. She agreed that a baseball stadium would not provide any direct monetary benefit to the County, but it might bring a higher quality of life for York County residents and would give residents more activities to enjoy. She stated she was willing to go along if the rest of the Board was. The funding would

come from the Tourism Fund and not from taxes paid by the citizens. Mrs. Noll stated she felt the Board should give the request serious consideration.

Mr. Zaremba agreed that the Board had discussed such a project before, but the last time there was a major press on the part of most of the jurisdictions on the Peninsula to convince the citizens that building a baseball stadium on the Peninsula was a good idea. The initiative failed, and Mr. Zaremba stated he found it interesting that York County was being asked by the City Manager of Newport News to make a \$36,000/year commitment when the City Council had not voted on the subject as yet. He stated that with all the other requirements being faced by the Board, he would not look favorably at this request.

Mr. Ashe stated he had mixed views in that he saw the value of the stadium to the region, but he questioned the wisdom of the location when there was land within a 5-mile radius for less money that would probably be as conducive to this type of facility. He stated he felt the issue should be tabled for the time being.

Chairman Burgett stated Newport News was talking about an annual funding gap, and he felt the Council should have set the amount of money it had to spend and designed the project to fit that budget. He noted that all the Board members had made good points, but he did not feel the project should come with a shortfall.

Discussion followed.

Chairman Burgett indicated he felt Newport News would take the County's money at any time, and he stated he was ready to vote.

Mr. Zaremba expressed his agreement with Chairman Burgett regarding the design of the facility being done within an available budget.

Mr. Zaremba moved the adoption of proposed Resolution R01-93 that reads:

A RESOLUTION TO APPROPRIATE \$36,000 FOR THE PURPOSE OF  
SUPPORTING A MINOR LEAGUE BASEBALL STADIUM

WHEREAS, the City of Newport News has conducted a study to determine the feasibility of locating a minor league baseball stadium on the Peninsula; and

WHEREAS, while there is significant public support for a baseball stadium, in order to make such a project economically viable, the City has requested the annual support of approximately \$175,000 from the other Peninsula jurisdictions; and

WHEREAS, on a per-capita basis the County's share of the requested regional support is approximately \$36,000;

NOW THEREFORE BE IT RESOLVED by the York County Board of Supervisors this 1st day of May, 2001, that \$36,000 be, and is hereby, appropriated in the Tourism Fund for the purpose of supporting a minor league baseball stadium.

On roll call the vote was:

Yea: (0)

Nay: (5) Wiggins, Ashe, Zaremba, Noll, Burgett

May 1, 2001

**CLOSED MEETING.** At 8:50 p.m. Mr. Wiggins moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett  
Nay: (0)

**Meeting Reconvened.** At 9:03 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Zaremba moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM  
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-  
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1st day of May, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett  
Nay: (0)

**RECOMMENDATION FOR APPOINTMENT TO THE YORK COUNTY BOARD OF EQUALIZATION**

Mr. Wiggins moved the adoption of proposed Resolution R01-77 that reads:

A RESOLUTION REQUESTING THE JUDGE OF THE CIRCUIT  
COURT TO APPOINT TWO MEMBERS TO THE YORK COUNTY  
BOARD OF EQUALIZATION

May 1, 2001

WHEREAS, the term of Harry E. Ramsay as a member of the York County Board of Equalization expired on March 31, 2000; and

WHEREAS, the term of Doris J. Eagle as a member of the York County Board of Equalization expired on March 31, 2001; and

WHEREAS, neither Mr. Ramsay nor Mrs. Eagle wish to be reappointed to the Equalization Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 1<sup>st</sup> day of May, 2001, that the Judge of the Circuit Court be, and he is hereby, requested to appoint the following two individuals to the York County Board of Equalization of Real Estate Assessments as provided by Section 58.1-3373 of the Code of Virginia for terms of three years each, such terms to commence immediately and expire March 31, 2004:

Paul W. Garman  
Jeffrey C. Trimble

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett  
Nay: (0)

Meeting Adjourned. At 9:05 p.m. Chairman Burgett declared the meeting adjourned to 6:00 p.m., Tuesday, May 8, 2001, in the Meeting Room, Yorktown Library, for the purpose of conducting a work session.

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James O. McReynolds, Clerk  
York County Board of Supervisors

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James S. Burgett, Chairman  
York County Board of Supervisors